

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas Dickens,

Case No. 24-cv-3448 (JMB/DLM)

Petitioner,

v.

**REPORT AND
RECOMMENDATION**

Allen Parish Jail,

Respondent.

On August 28, 2024, the Clerk of this Court sent Petitioner Thomas Dickens a letter indicating that: (1) the Court had not received either this action’s filing fee or an application to proceed *in forma pauperis* (“IFP”) in this action; (2) Mr. Dickens had 15 days (i.e., until September 12, 2024) to submit the fee or an application; and (3) if he failed to do so, his case “could be summarily dismissed without prejudice.” (Doc. 2 at 1.) That deadline has now passed, and Mr. Dickens has not submitted a filing fee or an IFP application. In fact, there is no record of him communicating with the Court about this action at all since filing it. Accordingly, the Court now recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based on the above, and on all of the files, records, and proceedings in this matter, **IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Date: September 27, 2024

s/Douglas L. Micko
DOUGLAS L. MICKO
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed findings and recommendations within 14 days after being served with a copy” of the Report and Recommendation.

A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).